

Amend Section 120.7 and Subsection 190(c)
Title 14, California Code of Regulations
Re: Sea Urchin Fishing and Fishing Activity Records

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would allow the department to authorize a permitted diver to harvest red sea urchins during an otherwise closed fishing period or closed area, subject to such conditions, as effective dates, locations, poundage limitations etc., as the department deems necessary to balance the needs for data collection and resource protection. The proposed language would not require that the department issue such authorization, but would only allow the department to do so should they chose to.

VI. Summary of Primary Considerations Raised in Opposition and Support

Mr. Carson Bell wrote on June 19, 2003 to express his support for "option 2", of the season options, which would repeal the existing second full week closures state wide and allow the harvest of red sea urchins in northern California on Monday and Tuesday in July, thereby making the open and closed seasons uniform state wide.

Mr. Jeremiah O'Brien wrote on June 21, 2003 to express his support for the repeal of the minimum landing requirements for sea urchin diving permit renewal.

Updated Informative Digest/Policy Statement Overview

Existing regulations prohibit anyone without a valid sea urchin diving permit from diving from a sea urchin vessel during commercial fishing operations.

The proposed regulatory changes would clarify that the Department may authorize non-permitted divers to dive from a sea urchin vessel for the purposes of sea urchin management or research.

Existing regulations specify the conditions that govern sea urchin diving permittees when they are fishing for sea urchins.

In order to provide an economic incentive to divers to participate in a cooperative program to gather data for a long-term time series to assist in the stock assessment of sea urchins, the proposed regulations would, in addition, allow the department to authorize a sea urchin diving permit holder to take, possess, land and/or sell red sea urchins during a closed season or in a closed area, subject to terms and conditions the department may specify. Any data collected during fishing activity conducted under this authorization shall be provided to the department.

Existing regulations require applicants for renewal of sea urchin diving permits to have made at least 20 landings of at least 300 pounds each in one of the two immediately preceding permit years.

The proposed regulatory changes would repeal that minimum landing requirement for permit renewal.

Existing regulations establish the deadlines for late renewal of a sea urchin diving permit.

The proposed regulatory changes would add one day to that deadline to conform to statute.

Existing regulations establish the number of new sea urchin permits to be made available when either more than or less than 300 permits are renewed by August 1 of each year, but do not specify how many are available when exactly 300 permits are renewed.

The proposed regulatory changes would clarify that when the number of renewed permits is 300 no new permits would be available.

Existing regulations provide that any person who held a valid abalone diving permit in the 1996-97 or 1997-98 license year is eligible to apply for any new sea urchin diving permits that may become available each year.

The proposed regulatory changes would repeal that provision.

Existing regulations do not specify where or when applications for any new sea urchin diving permits that may become available should be submitted.

The proposed regulatory changes would clarify when and where they shall be sent.

Existing regulations provide that any person who has possessed a sea urchin crewmember permit for the two immediately preceding permit years may apply for any new sea urchin diving permits that may become available. If there are more applicants than permits available, a drawing will be held to select the successful applicants. All applicants have an equal opportunity of being selected in the drawing.

The proposed regulatory changes would provide that any person who has possessed a crewmember permit for more than the required two years would be entered into the drawing one additional time for each year above the minimum two years that the applicant has possessed a crewmember permit, in any drawing held for new permits, up to a maximum of five entries in any drawing (for any person who has had a crewmember permit for seven or more years).

Existing regulations specify that any drawing held to issue new sea urchin diving permits will be held on the Wednesday nearest August 15 of each year.

The proposed regulatory changes would simplify that date to specify the drawing, if needed, would be held on the third Wednesday in August of each year.

Existing regulations provide that the season for red sea urchin fishing in May and September is open Monday, Tuesday, Wednesday and Thursday, except closed during the second full week; is open in June and August on Monday, Tuesday and Wednesday, except closed the second full week; and in July, north of the San Luis Obispo - Monterey county line is closed and that south of that line the season is open only on Monday and Tuesday, except closed for the second full week.

The proposed regulatory changes provide three options that would recast those open days from May to September.

All options would repeal some or all of the second full week closures in each month.

Option one would also make a uniform open season of Monday, Tuesday and Wednesday in May, June, August and September and a uniform statewide open season of Monday and Tuesday in July.

Option two would retain the existing four days per week open season in May and September and the existing three days per week open season in June and August and make a uniform statewide two days per week open season in July.

Option three would retain the existing open season in May and September in southern California (south of the Monterey-San Luis Obispo county line) while in northern California (north of the Monterey-San Luis Obispo county line) the second full week closure would be repealed and the days open for fishing would be reduced from Monday, Tuesday, Wednesday and Thursday to only Monday, Tuesday and Wednesday. In June and August the second full week closures would be repealed statewide and fishing days (Monday, Tuesday and Wednesday) would remain the same. In July the second full week closure in southern California and the full month closure in northern California would be repealed so fishing would be open statewide on Monday and Tuesday.

The Commission could adopt a single option or any part or parts of one or more of the three options in combination for the final regulations.

Existing regulations (subsection (n) of Section 120.7, Title 14, CCR) require sea urchin fishing log books to be sent to a Department office on or before the fifth day of each month. This requirement is in conflict with Section 190, Title 14, CCR that requires all fishing activity records to be submitted on or before the 10th day of the month following the month to which the records pertain.

The proposed regulatory changes would conform subsection 120.7(n) to Section 190.

Existing regulations require fishing activity records to be submitted on form DFG-120.7, October 1987.

The proposed regulatory changes would update the version of form DFG-120.7 to reflect the most recent version (DFG 120.7(5/99)), and incorporate that form by reference.

Existing regulations have several subsection numbering errors, typographic errors and a reference to the Department's former Long Beach office.

The proposed regulatory changes would correct the numbering errors and the reference to the former Long Beach office.

Section 190, Title 14, CCR contains a mailing address for the return of fishing activity records that is no longer valid.

The proposed regulatory changes would correct that mailing address.